

**Notice of Allowability**

Application No.

09/843,736

Examiner

Igor Borissov

Applicant(s)

BANNAI ET AL.

Art Unit

3639

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final of 4/18/2006.
2. ☒ The allowed claim(s) is/are 2,3,5-8,10,12-15,17-23,28 and 29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Amendment received on 4/18/2006 is acknowledged and entered. Claims 1, 4, 9, 11, 16, 18 and 24-27 have been canceled. Claims 2, 6, 8, 10, 12, 17, 19, 22 and 28 have been amended. Claims 2, 3, 5-8, 10, 12-15, 17-23, 28 and 29 are currently pending in the application.

Claim Objection and Claim Rejections under 35 USC § 103 have been withdrawn due to the applicant's amendment.

### **Allowable Subject Matter**

Claims 2, 3, 5-8, 10, 12-15, 17-23, 28 and 29 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claims 2, 8, 10, 17 and 28, the best prior art, Yablonowski et al. (US 6,535,859) in view of Kitamura et al. (US 5,762,265) teaches a method and system for monitoring energy consumption of a facility, including: installing an energy-saving equipment by the energy service provider at no cost to the facility (client); measuring and recording the energy consumption data of said energy-saving equipment before and after installation of said equipment, and general information about a facility; calculating the difference in value of the energy consumption before and after installation of said energy-saving equipment; calculating the amount of curtailment of the energy costs based on said calculation; and collecting said installation cost from said amount of curtailment by the energy service provider; wherein said general information includes data related to air conditioning and operation condition, including

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hours of operation, kilowatt hours rates and whether operating hours vary in different places of the facility.

However, while Yablonowski et al. in view of Kitamura et al. teach that said monitoring includes measuring air temperature and humidity in a facility, and storing said measured data regarding air temperature and humidity, the combination fails to disclose that said calculating the amount of curtailment of the energy costs is based on determined difference by comparing said measured energy consumption data having the temperature and humidity data, with the stored energy consumption data before installation of said energy-saving equipment with which said temperature and humidity data agree within a set of allowable range.

The best foreign art, Smith et al. (WO 01/06612 A1) discloses a business methodology for optimizing energy procurement energy demand (usage) and energy supply for a facility, including monitoring energy consumption of the facility and accumulating said monitored data, said data accumulated data is employed for contract negotiations with energy suppliers to achieve energy savings.

However, Smith et al. fails to disclose that said savings in energy cost is based on determined difference by comparing said accumulated energy consumption data having the temperature and humidity data, with the stored energy consumption data before installation of an energy-saving equipment with which said temperature and humidity data agree within a set of allowable range.

The best NPL prior art, The Challenge: Motor Systems at a Corporate Campus Facility, while teaching conducting feasibility studies for selecting a facility for energy usage optimization project, wherein said project includes providing energy saving upgrades of the facility equipment, fails to disclose that said savings in energy cost is based on determined difference by comparing said accumulated energy consumption data having the temperature and humidity data, with the stored energy consumption data before installation of an energy-saving equipment with which said temperature and humidity data agree within a set of allowable range.

The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claims.

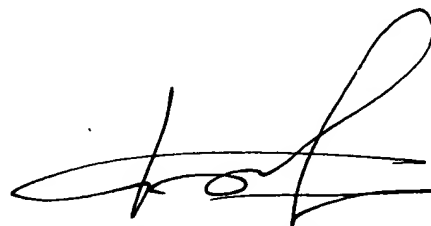
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB  
6/01/2006



IGOR N. BORISSOV  
PRIMARY EXAMINER